REMARKS

This document relates to issues raised in the examiner's final office action mailed 07/24/2008. In that office action, claims 64-114 were rejected by the examiner under 35 U.S.C. § 102 and/or 35 U.S.C. § 103. A primary reference used by the examiner in rejecting the claims is Cannon et al. (US Pub No. 20020183105).

Claims 1-114 have been cancelled from the application, and new claims 115-161 have been substituted therefore. No new matter has been added. It is to be noted that claims 1-114 have not been canceled for purposes relating to patentability. Rather, claims 115-161 are being substituted for claims 1-114 for purposes of clarification, and in order to present to the examiner a clean set of claims which reflect all of the presently presented claim features.

In the final office actoin, claims 64, 71-74, 84, 90-93,103-104,108,113-114 were rejected by the examiner under 35 U.S.C. §102(e) as being anticipated by Cannon. Claims 79-81, 98-100 and 110-112 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cannon. These claim rejections are respectfully traversed. In so traversing, Applicant respectfully incorporates by reference all Remarks from prior Responses regarding the pending rejections.

On pages 2-4 of the Office Action, the examiner states:

> *Cannon teaches a gaming device in a casino gaming network, comprising:...*
>
> *...enable, in response to detecting the first game lockup event, a first lockup mode at the gaming device (i.e. first game is frozen), wherein the first lockup mode is associated with the first active gaming session (i.e. the first game is frozen); disable, while the first lockup mode is enabled, player wagering capability at the gaming device for receiving wagers relating to the first active gaming session (i.e. first game is unavailable for play); provide, during at least a portion of time while the first lockup mode is enabled, at least one second game play opportunity for allowing the first player to selectively playa second wager-based game at the gaming device concurrently while the first lockup mode is enabled (par 129, 130, once the first game is locked up, player is given the chance to play any of the remaining games. In the case of par 130, player can now play any of the 3 remaining games); ...*
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> *...accept, at the gaming device and while the first lockup mode is enabled, a second wager by the first player, said second wager being associated with play of*

the second game at the gaming device (par 69, 103); initiate, while the first lockup mode is enabled, a start of a second active gaming session associated with the identified second game to thereby enable the first player to engage in game play of the second game at the gaming device (par 130); and enable player wagers relating to the second active gaming session to be accepted at the gaming device during at least a portion of time while the first lockup mode is enabled (par 103, 130).

Applicant respectfully disagrees for at least the reasons stated herein.

For reference purposes selected portions of the disclosure of Cannon are reproduced below (with emphasis added):

[0051] Again referring to FIGS. 2 and 3, a player initiates operation of gaming [device]machine 70 by input of a recognized form of currency in one of wagering input components 82. Using one or more of game selection buttons 77, a player may choose to play one or more games of chance of the same type and/of a varying type or class, with the number of available games primarily dependent upon the amount of credits owing to the player. For example, <u>a player may choose to mutually concurrently play one instance of a reel slot machine game, one instance of a video poker game, one instance of a keno game and one instance of a blackjack game by selecting those games using player input [controls]devices 76 on console 75 or touch screen locations of single display screen 72.</u>...

[0057] Preferably, each individual game window 88 is arranged on the screen so as to occupy a predetermined area, wherein the displayed games may proportionally span across the substantial majority of single display screen 72 in a [non-overlapping]nonoverlapping array fashion, as shown in FIG. 4A....

[0102] Referring again to FIGS. 2, 3 and 4(A-F), <u>after one or more games have been selected for play, instructive information regarding the execution of available wagering options is preferably displayed or otherwise conveyed,</u> for example, in [a]an individual gaming window 88 on single display screen 72, and/or by posted information on or around wagering buttons 79. A particular individual gaming window 88 may flash, blink, become intensely illuminated, or grow in size, for example, as a prompt for a player to change or enter a wager. Responsive [pre-programmed]preprogrammed instructions may also be broadcast either automatically[,] or at the player's option.

[0103] In a currently preferred embodiment of the invention, a predetermined "default" amount of the player's available credits is automatically wagered in each selected game of chance. In addition, a player may choose to input a customized default wager for one or more selected games using player input [buttons]devices 76 such as wagering buttons 79, touch screen locations on single display screen 72, or keyboard 81. A player may also opt to alter the default wager for one or more games of chance by use of wagering buttons 79 on console 75 or by use of touch screen controls on single display screen 72. Changing wagers on individual games can be effected, for example, by individual [wagering buttons]input components 82 provided for each selected game, by a wagering button 79 for each class and/or type of game (e.g., a wagering button used for wagering in all reel slot machine games), by touch screen controls on single display screen 72, and/or a by a master wagering button 79a with one or more functionalities. A master wagering button 79a may be used, for example, for wagering a common amount for each game or for "cycling" to each individual game for the purpose of selecting individual wagers...

[0105] Once wagering is complete, a player initiates play of the selected games, for example, using play activation buttons 78 ("play buttons") or touch screen controls on single display screen 72. For certain games, such as keno or roulette, a player may first be prompted to pick "lucky" numbers using touch screen controls over the locations of the desired numbers, or by using other player input [controls]devices 76 (e.g., keyboard 81, a mouse, etc.) which may be configured to allow for selection of particular elements of a game. One of skill in the art will recognize that play buttons 78 may be adapted to have various functionalities and configurations allowing for random, sequential and/or simultaneous play of selected multiple games....

[0129] Again referring to FIG. 2, a wide variety of other interaction is contemplated between multiple games displayed on individual gaming windows 88. In a preferred embodiment of the invention, a player is allowed to play a plurality of games (preferably different games) until one game achieves a specific outcome. The game with the specific outcome may then be then "locked up" (i.e., is frozen and unavailable for play) and the player is given a predetermined number of plays (for example, ten) or predetermined time period (for example, two minutes) in which to achieve a specific outcome in at least one of the

remaining games. If the player achieves the specific outcome on at least one of the remaining games, then that game may also be locked up and the player again given a predetermined number of plays or a predetermined time period in which to achieve a specific outcome in at least an additional one of the remaining games[, on] and so on. A player able to achieve required specific outcomes in all of the initially displayed games in individual gaming windows 88 may be provided with a "grand prize" or other appropriate award. It is also contemplated that another approach to multiple game interaction may involve logging in memory of the gaming machine each specific outcome of a game which may interact with a specific outcome of another game and then releasing the game in which the specific outcome is achieved for further play of that game enabled by an additional wager. Thus, a portion or portions of the gaming capability of gaming machine 70 will not be removed from service when specific outcomes are achieved. When play of all of the potentially interactive games has concluded, the gaming machine will award a bonus related to the number of specific, interactive outcomes achieved during play of the various games.

[0130] As an illustrative example, *a player may be initially provided with a reel slot machine game, a video poker game, an electronic blackjack game, and a keno game in four mutually concurrently displayed individual gaming windows 88.* Upon a player achieving, for example, three of a kind on the reel slot machine game, that game will lock up, leaving the player with the three remaining games. The player may then be given, for example, 10 spins or plays in which to achieve some specific outcome in the remaining games of video poker, blackjack, and keno. If, for example, the player receives a "21" in blackjack within the 10 spins, that game will lock up, leaving two mutually concurrently displayed games for play. A specific outcome, for example, of a full house or a higher ranking outcome in video poker (e.g., four of a kind) within 10 more spins will lock that game, thus leaving the player with a final opportunity to "win" on the remaining game of keno....

[0135] In a still further embodiment, a player may be initially provided with only a single instance of a first player-selected or gaming machine-selected game of chance. Upon the player achieving certain game outcomes, levels of winning, and/or satisfying specified play parameters, the player may be provided the option of playing a second game of chance, which may include one or more

additional instances of the same or a differing game of chance at the same time as the first game of chance. Attaining further specified outcomes, winnings, or play parameters would result in still further instances of the same or differing games of chances for play at the same time as the first and second games of chance[,] and so on. In this manner, a player is challenged to end up playing as many simultaneous games of chances as gaming machine 70 is configured to allow. Of course, with each additional game of chance added to single display screen 72 of gaming device 70, the odds of winning for the player go up, thus making continuous play in this manner more attractive to the player. Additionally, multipliers may optionally be activated as the player achieves various levels of numbers of games to further increase the player's willingness to engage in continuous play.

Applicant respectfully disagrees for a least of the reasons stated herein.

As best understood by applicant, neither Cannon nor any of the other cited prior art references of record appear to teach or suggest, the combination of features of the claimed embodiment of the present application as recited, for example, in independent claim 115, including, for example: accepting, at the gaming device and while the first lockup mode is enabled, a second wager by the first player, said second wager being associated with play of a second game at the gaming device; initiate, while the first lockup mode is enabled, a start of a second active gaming session associated with the identified second game to thereby enable the first player to engage in game play of the second game at the gaming device; and enable player wagers relating to the second active gaming session to be accepted at the gaming device during at least a portion of time while the first lockup mode is enabled.

For example, paragraph [0129] of Cannon describes a specific preferred gaming machine embodiment wherein a player is allowed to play a plurality of games (preferably different games) until one game achieves a specific outcome. The game with the specific outcome may then be then "locked up" (i.e., is frozen and unavailable for play) and the player is given a predetermined number of plays (for example, ten) or predetermined time period (for example, two minutes) in which to achieve a specific outcome in at least one of the remaining games. If the player achieves the specific outcome on at least one of the remaining games, then that game may also be locked up and the player again given a predetermined number of plays or a predetermined time period in which to achieve a specific outcome in at least an additional one of the remaining games[, on] and so on.

As best understood by Applicant, the "lock up" gaming machine embodiment described in paragraph [0129] of Cannon corresponds to a continued discussion of the example gaming machine features described previously in paragraphs [0051], [0057], [0102], and [0103] of cannon.

For example, Cannon explicitly teaches:

...a player may choose to mutually concurrently play one instance of a reel slot machine game, one instance of a video poker game, one instance of a keno game and one instance of a blackjack game by selecting those games using player input [controls]devices 76... (Cannon, Para 52)

...images of selected games of chance may be mutually concurrently displayed and played in individual game windows 88 having a fixed size and arranged in a fixed predetermined array pattern on single display screen 72... (Cannon, Para 62)

...after one or more games have been selected for play, instructive information regarding the execution of available wagering options is preferably displayed or otherwise conveyed... (Cannon, Para 102)

...a predetermined "default" amount of the player's available credits is automatically wagered in each selected game of chance. In addition, a player may choose to input a customized default wager for one or more selected games using player input [buttons]devices 76 such as wagering buttons 79, touch screen locations on single display screen 72, or keyboard 81. A player may also opt to alter the default wager for one or more games of chance by use of wagering buttons 79 on console 75 or by use of touch screen controls on single display screen 72.... A master wagering button 79a may be used, for example, for wagering a common amount for each game or for "cycling" to each individual game for the purpose of selecting individual wagers... (Cannon, Para 103)

...Once wagering is complete, a player initiates play of the selected games...(Cannon, Para 105)

Accordingly, as best understood by Applicant, the "lock up" gaming machine embodiment described in paragraph [0129] of Cannon is specifically configured or designed to allow a player to select four different games to be mutually concurrently displayed and mutually concurrently played at the gaming device. After the games have been selected by the player, instructive information regarding the execution of available wagering options is preferably displayed or otherwise conveyed. The player is then allowed to place wagers for each of the

selected games. As discussed in paragraph [0103] a predetermined "default" amount of the player's available may be automatically wagered in each selected game of chance. The player may also choose to input a customized default wager, or may opt to alter the default wager for one or more games of chance by use of wagering buttons 79 or by use of touch screen controls on single display screen 72. Additionally, as explicitly taught in paragraph [0103] of Cannon a master wagering button 79a may be used for wagering a common amount for each game <u>or for "cycling" to each individual game for the purpose of selecting individual wagers. The ability for a player to "cycling" to each individual game for the purpose of selecting individual wagers clearly conveys that game wagering operations for each of the selected games are performed concurrently during the "wagering" stage of game play, which occurs before play of the selected games is initiated.</u> Thereafter, explicitly taught in paragraph [0105] of Cannon once wagering is complete, a player initiates play of the selected games. Accordingly, from these teachings it is clear that wagering for all the selected games is completed by the player <u>before</u> the initiation of game play of the selected games.

Moreover, there appears to be no teaching or suggestion in Cannon which supports the examiner's assertion on page 4 of the Office Action that that Cannon teaches "enable[ing] player wagers relating to the second active gaming session to be accepted at the gaming device during at least a portion of time while the first lockup mode is enabled (par 103, 130)."

Accordingly, it is believed that claim 115 is neither anticipated by nor obvious in view of Cannon (and/or any of the other cited prior art references of record), and is therefore believed to be allowable.

Each of the other presently pending independent claims define at least a portion of features similar to those defined in claim 115, and are therefore believed to be allowable for at least those reasons stated above in support of claim 115. Additionally, each of the presently pending dependent claims is also believed to be allowable since it depends upon a respective independent claim.

Further, it is believed that none of the presently cited prior art references of record teach or suggest, either singly or in combination, additional features recited in many of the presently pending depending claims such as those described, for example, in claims 116-121, 134-137, etc.

The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from the prior art of record.

Because claims 115-161 are believed to be allowable in their present form, many of the examiner's rejections in the Office Action have not been addressed in this response. However,

applicant respectfully reserves the right to respond to one or more of the examiner's rejections in subsequent amendments should conditions arise warranting such responses.

On page 6 of the final office action, the examiner asserts:

16.   Cannon as shown above teaches all the present invention but fail to teach the different kind of payout outcome (i.e. taxable payout event, jackpot payout event and WAP payout event) as the lockup event. However, as shown above Cannon teaches that the lockup event is a specified game configuration such as a winning outcome. For a designer to choose to configure the lockup event to be that of a taxable payout event, jackpot payout event or a WAP payout event is strictly dependent on the designer's choice. Thus, the examiner views these limitations as a matter of design choice well within the skill set of an ordinary skilled artisan.

Applicant respectfully disagrees for a least of the reasons stated herein.

For example, the additional limitations recited in depending claims 134-137 are not merely a matter of design choice, but provide for specific additional benefits, features, and/or advantages over Cannon and/or other conventional gaming machine devices. For example, the claimed gaming device embodiments provide the ability for allowing a player at a given gaming device to selectively choose and initiate start of a second gaming session for playing a second game at that gaming device concurrently during at least a portion of time while lockup mode has been enabled for a first game being played at the gaming device. As can readily be appreciated by one having ordinary skill in the art, such functionality provides the player with greater freedoms of game play opportunities and selection at the gaming device, particularly during times when a lockup mode has been enabled at the gaming device.

Additionally, it is noted that design choice may be related to rearranging parts (MPEP 2144.04) or may be related to substituting one well known element for another where both elements perform similar functions. However, the Examiner has not provided any evidentiary support from the cited prior art to support the proposed modifications and/or assertions. Applicant believes applying "design choice" in this manner is not consistent with what is taught in the MPEP in regards to constructing an Obviousness rejection. Thus, also in this regard, Applicant believes a prima facie case of obviousness hasn't been established and the current claims can't be said to be rendered obvious by Cannon.

<u>No Disclaimers or Disavowals</u>

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
WEAVER AUSTIN VILLENEUVE & SAMPSON, LLP

/DEW/

Dean E. Wolf
Reg. No. 37,260

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100